

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Unicare Life & Health Insurance Co.,	:	Case No. 1:01CV1482
	:	
Plaintiff	:	
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Floyd Craig, et al.,	:	MEMORANDUM OPINION
	:	AND ORDER
Defendants	:	

This Court has been informed that the check representing the monies which are the subject of this action which had been made payable to “Floyd Craig, Jr. And His Attorneys Goldstein And Goldstein Co. LPA” and had been sent to Mr. Craig’s counsel has been returned to the Clerk of Court by counsel under a cover letter which reads:

The enclosed check #00348303 issued 10/21/05, is being returned, in that there is a fee dispute with the Defendant, Mr. Floyd, Craig, Jr.

As is customary in a fee dispute, you are required to hold the check until the dispute is resolved. You may at your discretion release \$40,000 of the \$50,000 payable solely to Floyd Craig, Jr.

Considering Mr. Craig’s less than generous posture throughout this action regarding these monies this Court is not the least bit surprised that he and his counsel are now at odds over what may be a reasonable fee for Mr. Goldstein’s services. This Court is not going to get involved in resolving that dispute, but will note that if the suggestion implicit in Mr. Goldstein’s letter that the fee charged was \$10,000, or 20% of the recovery which Mr. Craig may be entitled to by reason of his counsel prevailing in the Sixth Circuit Court of Appeals, that would not appear to be an unreasonable

amount.

This Court, therefore, will direct the Clerk of Courts to retain the monies in question in the court's registry until such time as this Court is informed that the dispute between Mr. Craig and his counsel has been resolved between them, at which time this Court will issue an order for distribution of the monies.

IT IS SO ORDERED

s/DAVID S. PERELMAN
United States Magistrate Judge

DATE: November 9, 2005